

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Edward Butowsky,

Plaintiff,

v.

Case No. 4:19-cv-00577

Douglas H. Wigdor, et al.,

Defendants

MOTION FOR EXTENSION

NOW COMES Edward Butowsky, the Plaintiff, moving the Court to grant an extension of time to serve the ORIGINAL COMPLAINT (Doc. No. 1) on the Defendants:

The Federal Rules of Civil Procedure permit the Court to extend the time for serving an original complaint on the defendants:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). The undersigned was relying on his co-counsel, as lead counsel, to serve the ORIGINAL COMPLAINT, but he learned over the weekend that the complaint had not been served. Even if that does not demonstrate “good cause,” the Court nonetheless has the discretion to extend the deadline pursuant to Rule 4(m). In this case, the extension is particularly important because claims will be lost to limitations if the period for service is not extended. The undersigned is separately requesting that the Court issue

summonses, and he will be taking a more active role in this case going forward. If the Court grants an extension, the undersigned will personally insure that the summonses are delivered to process servers within 24 hours. The undersigned expects that all Defendants could be served within a week, perhaps sooner, and the Plaintiff moves the Court to grant him a brief extension of time to serve his complaint.

Respectfully submitted,

/s/ Ty Clevenger

Ty Clevenger
Texas Bar No. 24034380
P.O. Box 20753
Brooklyn, New York 11202-0753
(979) 985-5289
(979) 530-9523 (fax)
tyclevenger@yahoo.com

Attorney for Plaintiff Edward Butowsky

CERTIFICATE OF SERVICE

I certify that a copy of this document was filed electronically with the Court's ECF system on November 4, 2019, which should result in automatic notification to all counsel of record.

/s/ Ty Clevenger

Ty Clevenger

CERTIFICATE OF CONFERENCE

I have not conferred with opposing counsel since no parties have been served, nor have they appeared.

/s/ Ty Clevenger

Ty Clevenger